

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Kimm W.,

Case No. 23-CV-02497 (JMB/DLM)

Plaintiff,

v.

**ORDER ON REPORT AND  
RECOMMENDATION**

Martin J. O'Malley, *Commissioner of  
Social Security Administration*,

Defendant.

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James H. Greeman, Greeman Toomey, Minneapolis, MN, and Kira Treyvus (*pro hoc vice*),  
Konoski & Partners PC, New York, NY, for Plaintiff Kimm W.

Ana H. Voss, United States Attorney's Office, Minneapolis, MN, and Chris Carillo, James  
D. Sides, and Sophie Doroba, Social Security Administration, Baltimore, MD, for  
Defendant Martin J. O'Malley, Commissioner of Social Security Administration.

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This matter is before the Court on the Report and Recommendation (R&R) of  
United States Magistrate Judge Douglas L. Micko dated July 15, 2024. (Doc. No. 18.)  
Neither party has objected to the R&R, and the time to do so has now passed. *See* D. Minn.  
L.R. 72.2(b)(1). In the absence of timely objections, the Court reviews the R&R for clear  
error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996)  
(per curiam). Finding no clear error, and based upon all the files, records, and proceedings  
in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The R&R (Doc. No. 18) is ADOPTED;
2. Plaintiff's Motion for Summary Judgment (Doc. No. 11) is GRANTED IN PART and DENIED IN PART;

3. Defendant's Motion for Summary Judgment (Doc. No. 13) is GRANTED IN PART and DENIED IN PART; and
4. The matter is REMANDED to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g), for further administrative proceedings consistent with the R&R. As stated in the R&R, "[o]n remand, the ALJ should: (1) explain why Plaintiff's RFC should (or should not) be further limited to brief and superficial workplace interactions with supervisors; and (2) recall a vocational expert for testimony if necessary to address new hypothetical questioning based on a modified RFC." (Doc. No. 18 at 19.)

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 21, 2024

/s/ Jeffrey M. Bryan  
Judge Jeffrey M. Bryan  
United States District Court